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09/823,386	03/30/2001	Monte J. Rhoads	42390P11045	7368

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EXAMINER

ELAHEE, MD S

ART UNIT PAPER NUMBER

2645

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/823,386

Applicant(s)

RHOADS, MONTE J.

Examiner

Md S. Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 7, 8, 12, 15, 16, 19 and 26-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8, 12, 15, 16, 19 and 26-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed 05/12/05. Claims 1-4, 7, 8, 12, 15, 16, 19 and 26-33 are pending. Claims 5, 6, 9-11, 13, 14, 17, 18 and 20-25 have been cancelled.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 31-33 have been fully considered but they are not persuasive.

Regarding claim 31, the Applicant argues on page 7, lines 13-16 that "In light of amended Claim 31, the present invention configures a second network interface different from the Bluetooth interface, on the network appliance. In contrast, as the Examiner noted, Lioy teaches configuring mobile terminal equipment, different from the server". The examiner agrees with this argument. However, the applicant didn't claim the citation 'configures a second network interface different from the Bluetooth interface'. Thus the rejection of the claim in view of Lioy remains.

3. The affidavit filed on May 12, 2005 under 37 CFR 1.131 has been considered but is ineffective to change the invention date of the current application.

4. The evidence submitted is insufficient to establish a conception of the invention prior to February 23, 2001. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

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The complete claimed invention was not conceived prior to the date of the February 23, 2001, because the attached Invention Disclosure No. Rev. 15.8/00 does not support all the claimed limitations recited in claims 1, 3, 4, 7, 8, 12, 15, 16, 19, 26 and 28-30. For example, the limitation "circuitry coupled with the infrared device to receive the configuration data and to configure a network interface of the server to provide network functionality based, at least in part, on the network configuration data" is not disclosed in the document.

Further, No evidences were provided to support the statement that applicants exercised due diligence from 02/23/2001 to the filing date of the current application.

***Objections to Amendments to Claim***

5. The claims currently amended filed on 05/12/05 are objected to because of the following informalities: because the claims must include markings (strikethrough, double brackets, or underlining) to indicate changes.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaiser et al. (U.S. Pub. No. 2002/0120724).

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Regarding claim 1, Kaiser teaches an infrared interface to receive infrared signals communicating network configuration data for the server (abstract; fig.1, 4; page 6, paragraphs 0045, 0047).

Kaiser further teaches circuitry coupled with the infrared device to receive the configuration data and to configure a network interface of the server to provide network functionality based, at least in part, on the network configuration data (fig.1, 4; page 6, paragraphs 0045, 0047, 0048).

Regarding claim 3, Kaiser teaches an Internet Protocol address (page 2, paragraph 0018).

Regarding claim 7, Kaiser teaches the server further comprises inherently an infrared interface cover (page 6, paragraph 0045).

8. Claims 31-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Lioy (U.S. Patent No. 6,775,553).

Regarding claim 31, Lioy teaches receiving radio frequency signals conforming to a Bluetooth standard containing configuration information via a wireless communication device [i.e., first interface] (abstract; fig.1, fig.2, fig.3A; col.1, lines 65-67, col.3, lines 7-28, 53-67, col.4, lines 1-22, col.6, lines 1-4, 30-37, col.7, lines 60-62).

Lioy further teaches unframing [i.e., converting] the framed packets [i.e., radio frequency signals] to machine-accessible configuration information (col.6, lines 30-52).

Lioy further teaches configuring a mobile terminal equipment TE2 [i.e., second network interface] of the mobile station (MS) 103 [network appliance] to operate based on the configuration information (abstract; fig.1, fig.3A; col.1, lines 65-67, col.3, line 53-col.4, line 22, col.6, lines 1-4, 30-52). (Note; since the TE2 unit made a request for the IP address and IP

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address is assigned based on the negotiation over the U<sub>m</sub> link, it is clear that the IP address is for configuring the unit)

Regarding claim 32, Lioy teaches that the wireless device further comprises a device capable of generating, coding and transmitting a radio frequency signal conforming to the Bluetooth standard (abstract; col.3, line 53-col.4, line 22, col.6, lines 1-4, 30-52).

Regarding claim 33, Lioy teaches an Internet Protocol address (abstract; col.6, lines 1-4).

### *Claim Rejections - 35 USC § 103*

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser et al. (U.S. Pub. No. 2002/0120724) and in view of Linares et al. (U.S. Patent No. 6,442,032).

Regarding claim 2, Kaiser fails to teach “a rack-mounted server”. Linares teaches a rack-mounted module [i.e., server] (col.1, lines 56-58, col.2, lines 60-62). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser to allow a rack-mounted server as taught by Linares. The motivation for the modification is to have doing so in order to provide support guides for the module.

11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser et al. (U.S. Pub. No. 2002/0120724) and in view of Charlier et al. (U.S. Patent No. 6,577,877).

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Regarding claim 4, Kaiser fails to teach “a personal digital assistant (PDA)”. Charlier teaches a personal digital assistant (PDA) (col.4, lines 27-46). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser to allow a personal digital assistant (PDA) as taught by Charlier. The motivation for the modification is to have doing so in order to have the quick access to the device.

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser et al. (U.S. Pub. No. 2002/0120724) and in view of Sheridan et al. (U.S. Patent No. 6,725,032).

Regarding claim 8, Kaiser fails to teach “a liquid crystal display (LCD) to display an indication of the configuration data received via the wireless interface”. Sheridan teaches that a liquid crystal display (LCD) to display an indication of the configuration data received via the wireless interface (abstract; col.2, lines 41-46). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser to incorporate a liquid crystal display (LCD) to display an indication of the configuration data received via the wireless interface as taught by Sheridan. The motivation for the modification is to have doing so in order to display the configuration information.

13. Claims 12, 15, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lioy (U.S. Patent No. 6,775,553) and in view of Kaiser et al. (U.S. Pub. No. 2002/0120724).

Regarding claim 12, Lioy teaches receiving wireless signals containing the configuration information via a wireless communication device [i.e., first interface] (abstract; fig.1, fig.2, fig.3A; col.1, lines 65-67, col.6, lines 1-4, 30-37).

Lioy further teaches unframing [i.e., converting] the framed packets [i.e., decoded signals] to machine-accessible configuration information (col.6, lines 30-52).

Lioy further teaches configuring a mobile terminal equipment TE2 [i.e., second network interface] of the mobile station (MS) 103 [network appliance] to operate based on the configuration information (abstract; fig.1, fig.3A; col.1, lines 65-67, col.3, line 53-col.4, line 22, col.6, lines 1-4, 30-52). (Note; since the TE2 unit made a request for the IP address and IP address is assigned based on the negotiation over the U<sub>m</sub> link, it is clear that the IP address is for configuring the unit)

However, Lioy does not specifically teach “infrared signals”. Kaiser teaches infrared signals (page 6, paragraph 0045). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lioy to allow infrared signals as taught by Kaiser. The motivation for the modification is to have doing so in order to process data signals.

Regarding claim 15 is rejected for the same reasons as discussed above with respect to claim 12. Furthermore, Lioy teaches that the wireless device further comprises a device capable of generating, coding and transmitting a radio frequency signal (abstract; col.3, line 53-col.4, line 22, col.6, lines 1-4, 30-52).

Regarding claim 16 is rejected for the same reasons as discussed above with respect to claim 15.

Regarding claim 19, Lioy teaches an Internet Protocol address (abstract; col.6, lines 1-4).

14. Claim 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser et al. (U.S. Pub. No. 2002/0120724) and in view of Lioy (U.S. Patent No. 6,775,553).

Regarding claim 26 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Kaiser teaches an interface to receive electromagnetic signals [i.e., radio



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frequency signals] communicating network configuration data for the server (abstract; fig.1, 4; page 6, paragraphs 0045, 0047, 0048).

However, Kaiser fails to teach "a Bluetooth protocol". Lioy teaches a Bluetooth protocol (col.3, lines 7-28). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser to allow a Bluetooth protocol as taught by Lioy. The motivation for the modification is to have doing so in order to provide a standard for communicating over a short range.

Regarding claim 28 is rejected for the same reasons as discussed above with respect to claim 3.

15. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser et al. (U.S. Pub. No. 2002/0120724) and in view of Lioy (U.S. Patent No. 6,775,553) and further in view of Linares et al. (U.S. Patent No. 6,442,032).

Regarding claim 27 is rejected for the same reasons as discussed above with respect to claim 2.

16. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser et al. (U.S. Pub. No. 2002/0120724) and in view of Lioy (U.S. Patent No. 6,775,553) and further in view of Charlier et al. (U.S. Patent No. 6,577,877).

Regarding claim 29 is rejected for the same reasons as discussed above with respect to claim 4.

17. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser et al. (U.S. Pub. No. 2002/0120724) and in view of Lioy (U.S. Patent No. 6,775,553) and further in view of Sheridan et al. (U.S. Patent No. 6,725,032).

Regarding claim 30 is rejected for the same reasons as discussed above with respect to claim 8.

### *Conclusion*

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nock et al. (U.S. Patent No. 6,513,115) teach System for reconfiguring an existing server process without ending and restarting and Gorczyca et al. (U.S. Patent No. 5,822,531) teach Method and system for dynamically reconfiguring a cluster of computer systems.

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*M. E.*

MD SHAFIUL ALAM ELAHEE

July 22, 2005

  
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